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REMARKS

The Official Action dated July 7, 2003 has been carefully considered. Accordingly, it is believed that the changes presented herewith, taken with the following remarks, are sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

By the present Amendment, claim 1 has been amended to clarify the limitations therein. Specifically, claim 1 has been amended to recite the compressed pressures of sections 1 and 2 of the tablet. Claims 2, 7 and 8 are amended as to matters of form. Claims 11-14 have been added. Support for claims 11 and 12 may be found in the specification at page 25, lines 6-26. Support for claim 13 may be found in the specification at page 22, line 33-column 23, line 2. Support for claim 14 may be found in claims 7 and 8. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

Claims 1-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nicholson et al, U.S. Patent No. 5,837,663, in view of Bettiol et al, U.S. Patent No. 6,440,911. The Examiner asserted that Nicholson et al teach a solid dishwashing composition containing a first layer having: a buffering system to deliver a pH in the wash water of about 9.0 to about 11.0, from about 5 weight % to about 90 weight % of a builder, and at least one enzyme selected from the group consisting of a protease, amylase and mixtures thereof; and a second layer having: a peracid and an acidity agent. The Examiner noted that Nicholson et al do not teach a detergent tablet comprising pectate lyase. The Examiner relied on Bettiol et al as teaching cleaning compositions comprising a mannanase and a carbohydrase selected from cellulases, amylases, pectin degrading enzymes and/or xyloglucanases. Therefore, the Examiner asserted that it would have been obvious to one of

ordinary skill in the art to modify the detergent tablet taught by Nicholson et al by replacing the enzyme with the pectate lyase disclosed by Bettiol et al to arrive at the claimed tablet.

However, as will be set forth in detail below, Applicants submit that the tablet defined by claims 1-9 and the method of cleaning a fabric or a dishware with such a tablet as defined by claim 10 are nonobvious over and patentably distinguishable from the cited combination of references. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Initially, Applicants submit that the Bettiol et al reference is not proper prior art with respect to the present application. That is, Bettiol et al is a §371 of PCT/US98/11993 filed June 10, 1998 and therefore has an effective U.S. filing date under 35 U.S.C. §102(e) of March 12, 2000. The international application PCT/US98/11993 has a PCT publication date of February 25, 1999. On the other hand, the present application is a §371 of PCT/US99/00800 filed January 14, 1999, prior to the effective filing date and the PCT publication date of Bettiol et al. Thus, the rejection employing Bettiol et al must be withdrawn.

Moreover, Applicants submit that the presently claimed tablets and method of cleaning are nonobvious over and patentably distinguishable from the cited combination of references employing Bettiol et al.

More particularly, claim 1 is directed to a tablet which comprises a section 1 and a section 2. The section 2 comprises a higher level of pectate lyase than section 1. The section 1 is compressed at a pressure of about 250 kg/cm<sup>2</sup> to about 2000 kg/cm<sup>2</sup> and the section 2 is compressed at a pressure less than about 350 kg/cm<sup>2</sup>. Claim 10 is directed to a method of cleaning a fabric or a dishware with a tablet according to claim 1. According to the present

invention, the claimed tablet "is not only sufficiently robust to withstand handling and transportation, but also at least a portion of which dissolves rapidly in the wash water providing rapid delivery of the pectate lyase enzyme" (see, for example, page 6, lines 5-8).

Applicants find no teaching, suggestion or reference in Nicholson et al of a tablet comprising a section 1 and a section 2, wherein the section 2 comprises a higher level of pectate lyase than section 1 and wherein the section 1 is compressed at a pressure of about 250 kg/cm<sup>2</sup> to about 2000 kg/cm<sup>2</sup> and the section 2 is compressed at a pressure less than about 350 kg/cm<sup>2</sup> as defined by claim 1 or a method of cleaning with such a tablet, as defined by claim 10. Nicholson et al disclose machine dishwashing tablets having at least two layers, the first layer including a builder, one or more enzymes selected from the group consisting of protease, amylase and mixtures thereof in a buffering system and a second layer including a peracid and a source of acidity. However, Applicants find no teaching, suggestion or reference of the claimed detergent tablet in which the tablet "is not only sufficiently robust to withstand handling and transportation, but also at least a portion of which dissolves rapidly in the wash water providing rapid delivery of the pectate lyase enzyme" (see, for example, page 6, lines 5-8). In fact, Nicholson et al teach away from the claimed tablets and method of cleaning as Nicholson et al disclose compaction pressures which are substantially higher than those of the present invention. Specifically, Nicholson et al disclose that the first layer of the solid dishwashing composition is compressed with a compaction pressure from about  $5 \times 10^6$  kg/m<sup>2</sup> to about  $3 \times 10^7$  kg/m<sup>2</sup>, which corresponds with  $5 \times 10^4$  kg/cm<sup>2</sup> and  $3 \times 10^5$  kg/cm<sup>2</sup>, and the second layer is compressed with a compaction pressure from about  $1 \times 10^6$  kg/m<sup>2</sup> to about  $3 \times 10^7$  kg/m<sup>2</sup>, which corresponds with  $1 \times 10^4$  kg/cm<sup>2</sup> and  $3 \times 10^5$  kg/cm<sup>2</sup> (see column 14, lines 51-62). It is error to find obviousness when a reference diverges from and teaches away from the invention at hand, *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988).

The deficiencies of Nicholson et al are not resolved by Bettiol et al. Specifically, Bettiol et al disclose enzymatic cleaning compositions. More particularly, Bettiol et al disclose that the combined use of a mannanase and one or more selected carbohydrase provide an outstanding stain removal on key stains even at very low wash temperature and/or low detergent level. However, Applicants find no teaching, suggestion or reference in Bettiol et al of a tablet or a method of cleaning as defined by the present claims, specifically wherein the section 1 is compressed at a pressure of about 250 kg/cm<sup>2</sup> to about 2000 kg/cm<sup>2</sup> and the section 2 containing a higher level of pectate lyase is compressed at a pressure less than about 350 kg/cm<sup>2</sup>.

To establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art, *In re Royka*, 180 USPQ 580 (CCPA 1974). Furthermore, references relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e. they must place the claimed invention in the possession of the public, *In re Payne*, 203 USPQ 245 (CCPA 1979). In view of the failure of Nicholson et al in view of Bettiol et al to teach, suggest or recognize a tablet comprising a section 1 and section 2, wherein the section 2 comprises a higher level of pectate lyase than section 1 and wherein the section 1 is compressed at a pressure of about 250 kg/cm<sup>2</sup> to about 2000 kg/cm<sup>2</sup> and the section 2 is compressed at a pressure less than about 350 kg/cm<sup>2</sup> or a method of cleaning fabric or dishware with such a tablet, the cited combination of references does not provide an enabling disclosure of the present invention and therefore does not support a rejection of the claims under 35 U.S.C. §103.

It is therefore submitted that the tablets and method of cleaning defined by the claims are not rendered obvious over Nicholson et al in view of Bettiol et al and are patentably

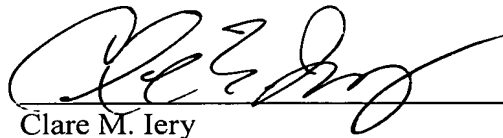
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distinguishable therefrom, whereby the rejection of 35 U.S.C. §103 has been overcome.

Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejection under 35 U.S.C. §103, and places the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Clare M. Iery', written over a horizontal line.

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